

LEGISLATIVE COMMITTEE MINUTES

# **SB243**

Bill as  
Introduced

SB 243 - AS INTRODUCED

2022 SESSION

22-2910

11/08

SENATE BILL        **243**

AN ACT            permitting transfer on death deeds for real property.

SPONSORS:        Sen. D'Allesandro, Dist 20; Sen. Cavanaugh, Dist 16; Rep. B. Griffin, Hills. 6

COMMITTEE:       Election Law and Municipal Affairs

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ANALYSIS

This bill provides a mechanism for the nonprobate transfer of land, done by permitting owners of interests in real property to execute and record a transfer on death (TOD) deed.

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Explanation:       Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struck through~~].  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.



1           563-D:8 Capacity of Transferor. The capacity required to make or revoke a transfer on death  
2 deed is the same as the capacity required to make a will.

3           563-D:9 Requirements. A transfer on death deed:

4           I. Except as otherwise provided in paragraph II, shall contain the essential elements and  
5 formalities of a properly recordable inter vivos deed;

6           II. Shall state that the transfer to the designated beneficiary is to occur at the transferor's  
7 death; and

8           III. Shall be recorded before the transferor's death in the public records in the office of the  
9 county register of deeds of the county where the property is located.

10          563-D:10 Notice, Delivery, Acceptance, Consideration Not Required. A transfer on death deed is  
11 effective without:

12           I. Notice or delivery to or acceptance by the designated beneficiary during the transferor's  
13 life; or

14           II. Consideration.

15          563-D:11 Revocation by Instrument Authorized; Revocation by Act not Permitted.

16           I.(a) Subject to subparagraph (b), an instrument is effective to revoke a recorded transfer on  
17 death deed, or any part of it, only if the instrument:

18                   (1) Is one of the following:

19                           (A) A transfer on death deed that revokes the deed or part of the deed  
20 expressly or by inconsistency;

21                           (B) An instrument of revocation that expressly revokes the deed or part of the  
22 deed; or

23                           (C) An inter vivos deed that expressly revokes the transfer on death deed or part  
24 of the deed; and

25                   (2) Is acknowledged by the transferor after the acknowledgment of the deed being  
26 revoked and recorded before the transferor's death in the public records in the office of the county  
27 register of deeds of the county where the deed is recorded.

28           (b) If a transfer on death deed is made by more than one transferor:

29                   (1) Revocation by a transferor does not affect the deed as to the interest of another  
30 transferor; and

31                   (2) A deed of joint owners is revoked only if it is revoked by all of the living joint  
32 owners.

33           II. After a transfer on death deed is recorded, it may not be revoked by a revocatory act on  
34 the deed.

35           III. This section does not limit the effect of an inter vivos transfer of the property.

36          563-D:12 Effect of Transfer on Death Deed During Transferor's Life. During a transferor's life,  
37 a transfer on death deed does not:

1 I. Affect an interest or right of the transferor or any other owner, including the right to  
2 transfer or encumber the property;

3 II. Affect an interest or right of a transferee, even if the transferee has actual or constructive  
4 notice of the deed;

5 III. Affect an interest or right of a secured or unsecured creditor or future creditor of the  
6 transferor, even if the creditor has actual or constructive notice of the deed;

7 IV. Affect the transferor's or designated beneficiary's eligibility for any form of public  
8 assistance;

9 V. Create a legal or equitable interest in favor of the designated beneficiary; or

10 VI. Subject the property to claims or process of a creditor of the designated beneficiary.

11 563-D:13 Effect of Transfer on Death Deed at Transferor's Death.

12 I. Except as otherwise provided in the transfer on death deed, in this section, or in statutes  
13 governing antilapse, revocation by divorce or homicide, survival and simultaneous death, and  
14 elective share, if applicable to nonprobate transfers, on the death of the transferor, the following  
15 rules apply to property that is the subject of a transfer on death deed and owned by the transferor at  
16 death:

17 (a) Subject to subparagraph (b), the interest in the property is transferred to the  
18 designated beneficiary in accordance with the deed.

19 (b) The interest of a designated beneficiary is contingent on the designated beneficiary  
20 surviving the transferor. The interest of a designated beneficiary that fails to survive the transferor  
21 lapses.

22 (c) Subject to subparagraph (d), concurrent interests are transferred to the beneficiaries  
23 in equal and undivided shares with no right of survivorship.

24 (d) If the transferor has identified 2 or more designated beneficiaries to receive  
25 concurrent interests in the property, the share of one which lapses or fails for any reason is  
26 transferred to the other, or to the others in proportion to the interest of each in the remaining part of  
27 the property held concurrently.

28 II. Subject to RSA 477, a beneficiary takes the property subject to all conveyances,  
29 encumbrances, assignments, contracts, mortgages, liens, and other interests to which the property is  
30 subject at the transferor's death. For purposes of this section and RSA 477, the recording of the  
31 transfer on death deed is deemed to have occurred at the transferor's death.

32 III. If a transferor is a joint owner and is:

33 (a) Survived by one or more other joint owners, the property that is the subject of a  
34 transfer on death deed belongs to the surviving joint owner or owners with right of survivorship; or

35 (b) The last surviving joint owner, the transfer on death deed is effective.

36 IV. A transfer on death deed transfers property without covenant or warranty of title even if  
37 the deed contains a contrary provision.

1       563-D:14 Disclaimer. A beneficiary may disclaim all or part of the beneficiary's interest as  
2 provided by RSA 563-B.

3       563-D:15 Liability For Creditor Claims And Statutory Allowances.

4           I. To the extent the transferor's probate estate is insufficient to satisfy an allowed claim  
5 against the estate or a statutory allowance to a surviving spouse or child, the estate may enforce the  
6 liability against property transferred at the transferor's death by a transfer on death deed.

7           II. If more than one property is transferred by one or more transfer on death deeds, the  
8 liability under paragraph I is apportioned among the properties in proportion to their net values at  
9 the transferor's death.

10          III. A proceeding to enforce the liability under this section shall be commenced not later  
11 than 18 months after the transferor's death.

12          2 Effective Date. This act shall take effect January 1, 2023.

SB 243 - AS AMENDED BY THE SENATE

03/24/2022 1102s

2022 SESSION

22-2910

11/08

SENATE BILL **243**

AN ACT permitting transfer on death deeds for real property.

SPONSORS: Sen. D'Allesandro, Dist 20; Sen. Cavanaugh, Dist 16; Rep. B. Griffin, Hills. 6

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT permitting transfer on death deeds for real property.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 New Chapter; Uniform Real Property Transfer on Death Act. Amend RSA by inserting after  
2 chapter 563-C the following new chapter:

3 CHAPTER 563-D

4 UNIFORM REAL PROPERTY TRANSFER ON DEATH ACT

5 563-D:1 Short Title. This chapter may be cited as the Uniform Real Property Transfer on Death  
6 Act.

7 563-D:2 Definitions. In this chapter:

8 I. "Beneficiary" means a person that receives property under a transfer on death deed.

9 II. "Designated beneficiary" means a person designated to receive property in a transfer on  
10 death deed.

11 III. "Joint owner" means an individual who owns property concurrently with one or more  
12 other individuals with a right of survivorship. The term includes a joint tenant, owner of community  
13 property with a right of survivorship, and tenant by the entirety. The term does not include a tenant  
14 in common or owner of community property without a right of survivorship.

15 IV. "Person" means an individual, corporation, business trust, estate, trust, partnership,  
16 limited liability company, association, joint venture, public corporation, government or governmental  
17 subdivision, agency, or instrumentality, or any other legal or commercial entity.

18 V. "Property" means an interest in real property located in this state which is transferable  
19 on the death of the owner.

20 VI. "Transfer on death deed" means a deed authorized under this chapter.

21 VII. "Transferor" means an individual who makes a transfer on death deed.

22 563-D:3 Applicability. This chapter applies to a transfer on death deed made before, on, or after  
23 the effective date of this chapter by a transferor dying on or after the effective date of this chapter.

24 563-D:4 Nonexclusivity. This chapter does not affect any method of transferring property  
25 otherwise permitted under the law of this state.

26 563-D:5 Transfer on Death Deed Authorized. An individual may transfer property to one or  
27 more beneficiaries effective at the transferor's death by a transfer on death deed.

28 563-D:6 Transfer on Death Deed Revocable. A transfer on death deed is revocable even if the  
29 deed or another instrument contains a contrary provision.

30 563-D:7 Transfer on Death Deed Nontestamentary. A transfer on death deed is  
31 nontestamentary.

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1       563-D:14 Disclaimer. A beneficiary may disclaim all or part of the beneficiary's interest as  
2 provided by RSA 563-B, but shall do so within 60 days of the transferor's death. The beneficiary  
3 shall record a copy of the disclaimer in the registry of deeds of the county in which the property or  
4 interest disclaimed is located.

5       563-D:15 Liability For Creditor Claims And Statutory Allowances.

6           I. To the extent the transferor's probate estate is insufficient to satisfy an allowed claim  
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13 than 18 months after the transferor's death.

14       2 Effective Date. This act shall take effect January 1, 2023.

# Amendments

Sen. Perkins Kwoka, Dist 21  
March 8, 2022  
2022-1033s  
08/04

Amendment to SB 243

1 Amend RSA 563-D:14 as inserted by section 1 of the bill by replacing it with the following:

2

3 563-D:14 Disclaimer. A beneficiary may disclaim all or part of the beneficiary's interest as  
4 provided by RSA 563-B, but shall do so within 60 days of the transferor's death. The beneficiary  
5 shall record a copy of the disclaimer in the registry of deeds of the county in which the property or  
6 interest disclaimed is located.

UNAPPROVED

Election Law and Municipal Affairs  
March 15, 2022  
2022-1102s  
08/10

Amendment to SB 243

1 Amend RSA 563-D:14 as inserted by section 1 of the bill by replacing it with the following:

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6 interest disclaimed is located.

# Committee Minutes



**SENATE CALENDAR NOTICE**  
**Election Law and Municipal Affairs**

Sen James Gray, Chair  
Sen Regina Birdsell, Vice Chair  
Sen Ruth Ward, Member  
Sen Donna Soucy, Member  
Sen Rebecca Perkins Kwoka, Member

Date: January 18, 2022

**HEARINGS**

Monday

01/24/2022

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Election Law and Municipal Affairs	State House 100	1:00 p.m.
(Name of Committee)	(Place)	(Time)
1:00 p.m. <b>SB 243</b>	permitting transfer on death deeds for real property.	
1:15 p.m. <b>SB 244</b>	relative to non-conforming structures and variances.	
1:30 p.m. <b>SB 245</b>	establishing a committee to study agreements between developers and municipalities on municipal trash removal fees paid by condominium owners and renters.	
1:45 p.m. <b>SB 246</b>	relative to qualified private communities.	
2:00 p.m. <b>SB 425-FN</b>	relative to the establishment of an election information portal.	
2:20 p.m. <b>SB 427-FN</b>	modifying the absentee voter registration process, absentee ballot application, and absentee ballot voting process.	

**EXECUTIVE SESSION MAY FOLLOW**

**Sponsors:**

**SB 243**

Sen. D'Allesandro

Sen. Cavanaugh

Rep. B. Griffin

**SB 244**

Sen. Cavanaugh

**SB 245**

Sen. Sherman

Sen. Watters

Sen. Soucy

Rep. Mangipudi

Rep. Guthrie

**SB 246**

Sen. Birdsell

Sen. Carson

Rep. W. MacDonald

**SB 425-FN**

Sen. Gray

Sen. Bradley

Sen. Daniels

Sen. Avard

Sen. Ward

Sen. Birdsell

Sen. French

Sen. Perkins Kwoka

Sen. Soucy

Sen. Watters

Sen. Sherman

**SB 427-FN**

Sen. Soucy

Sen. Whitley

Sen. Rosenwald

Sen. Watters

Sen. Sherman

Sen. Perkins Kwoka

Sen. Cavanaugh

Sen. Prentiss

Sen. D'Allesandro

Sen. Kahn

Rep. Cote

Tricia Melillo 271-3077

James P. Gray  
Chairman

**Senate Election Law and Municipal Affairs Committee**  
*Tricia Melillo 271-3077*

SB 243, permitting transfer on death deeds for real property.

Hearing Date: January 24, 2022

Members of the Committee Present: Senators Gray, Birdsell, Ward, Soucy and Perkins Kwoka

Members of the Committee Absent : None

**Bill Analysis:** This bill provides a mechanism for the nonprobate transfer of land, done by permitting owners of interests in real property to execute and record a transfer on death (TOD) deed.

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**Sponsors:**

Sen. D'Allesandro

Sen. Cavanaugh

Rep. B. Griffin

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**Who supports the bill:** Senator Lou D'Allesandro, Senator Kevin Cavanaugh, Barbara Schult, Dianne Shakra, Emily Eggens, Margaret Shafer, Janet Fitzpatrick, Cathy Joly, David Butler, Marie Morgan, Leigh Willey, Eric Loveless, Michael Sciarappa, Russan Chester, Laurie Littlefield-Baas

**Who opposes the bill:** None

**Who is neutral on the bill:** Susan Cragin

**Summary of testimony presented in support:**

**Senator Lou D'Allesandro**

- This bill will add a whole new section to our estate laws permitting the transfer on death of deeds for real property.
- There are many advantages, including tax advantages, but the most important is avoiding probate.
- Many states already have this legislation in statute but it will be a new section of law for New Hampshire.
- This was a request from a constituent.
- Senator Gray asked if currently on a vehicle title you can add someone that it transfers to upon death.
  - Senator D'Allesandro replied that he is not sure but there may be somebody else here that will know.
- Senator Gray asked if this is compliant with all of the current estate laws.
  - Senator D'Allesandro replied that as far as he knows it is. The caveat to that is that they are creating a new section of law with this legislation.
- Senator Gray stated his concern is that if there is a creditor and the home is the only asset how would the creditor be able to access it to cover the debt if it has been transferred upon death.
  - Senator D'Allesandro replied that he cannot answer that but this is a methodology that has been accepted in many states around the county.

**Barbara Schult**

- Regarding Senator Gray's question she stated that this legislation does leave the property vulnerable to a creditor.
- There are many people where their house is the only asset they have.

- When it comes to estate planning they do not need all the complexity of creating a trust.
- This legislation is something that she read about in the Union Leader and thought it would be perfect for someone that does not have a lot of assets.
- It matters and will make a difference for a lot of citizens.
- The transfer on death deed is a useful and inexpensive tool for citizens to make use of if it fits their situation.
- It could free up the probate courts.
- This is simple to do and is the same thing that married people with joint right of survivorship have but for a single person.
- Transfer on death is simple and clean and leaves people the freedom to change it inexpensively.
- Senator Perkins Kwoka asked what is the difference between this and transferring your property today and giving yourself a life estate.
  - Ms. Schult replied that she does not know too much about a life estate except that when you need to change it you have to get signatures from others and with transfer on death deeds you do not. She can maintain total control.
- Senator Perkins Kwoka asked if she knows how many other states have adopted this.
  - Ms. Schult stated that it was more than half.

**Summary of testimony presented in opposition: None**

**Neutral Information Presented:**

**Susan Cragin – Merrimack County Register of Deeds**

- She is neutral on the bill and testifying to point out something odd about the legislation that she thinks needs more consideration.
- She will give the beneficiary point of view regarding section 563-D:10 – Delivery Acceptance Consideration Not Required.
- Her husband was bequeathed by will ¼ of a house when his mother died and immediately disclaimed the gift.
- There were many reasons why he did not want it, environmental, polluted water, costly repairs needed and ownership would be between him and his siblings.
- If her husband had not disclaimed under the will, he would have had to go to New York state and hire an attorney to do the transfer.
- This would have been costly and burdensome.
- The American Association of Retired People put out an article on 6 good reasons to decline a request of real property.
- Good tax move, it is a dog of a property, it will trigger a government aid investigation, it will trigger a family drama, it will go directly to creditors, and lastly it is the right thing to do.
- If people are getting real property they need to have the opportunity to turn it down before it becomes theirs.
- This provision does not work.
- A lot of what makes this law a seemingly good idea is that it is one of the uniform laws put out by the Uniform Law Commission.
- The Uniform Law Commission laws are not always perfect or well considered.
- This bill needs to be gone over carefully by the committee.
- Senator Gray asked if she is familiar with the statutes that address estates that are small, that have less stringent rules.
  - Ms. Cragin replied that she is not.

TJM

Date Hearing Report completed: January 29, 2022

# Speakers

# Senate Election Law and Municipal Affairs Committee

## SIGN-IN SHEET

Date: January 24, 2022      Time: 1:00 p.m.

SB 243      AN ACT permitting transfer on death deeds for real property  
 PRIME: Senator D'Allesandro

Name/Representing (please print neatly)

Name/Representing (please print neatly)	Support	Oppose	Speaking?	Yes	No
✓ Senator Lou D'Allesandro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ Barbara Schuit	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ Susan Cragin	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>

**Senate Remote Testify****Election Law and Municipal Affairs Committee Testify List for Bill SB243 on 202**  
**Support: 12 Oppose: 0**

<b><u>Name</u></b>	<b><u>Title</u></b>	<b><u>Representing</u></b>	<b><u>Position</u></b>
Cavanaugh, Senator Kevin	An Elected Official	Myself	Support
Shakra, Dianne	A Member of the Public	Myself	Support
Eggens, Emily	A Member of the Public	Myself	Support
Shafer, Margaret	A Member of the Public	Myself	Support
Fitzpatrick, Janet	A Member of the Public	Myself	Support
Joly, Cathy	A Member of the Public	Myself	Support
Butler, David	A Member of the Public	Myself	Support
Morgan, Marie	A Member of the Public	Myself	Support
Willey, Leigh	A Member of the Public	Myself	Neutral
Loveless, Eric	A Member of the Public	Myself	Support
sciarappa, micheal	A Member of the Public	Myself	Support
Chester, Russan	A Member of the Public	Myself	Support
Littlefield-Baas, Laurie	A Member of the Public	Myself	Support

# Testimony



# Understanding the Transfer on Death Deed

If you own real property and are looking for a way to avoid probate, you need to understand the benefits of a transfer on death deed. This simple document may help you to simply and inexpensively avoid probate for real estate.

by Edward A. Haman, Esq.  
updated July 22, 2021 · 4min read

Probate can be expensive and time-consuming, but it may be avoidable. For real estate, one way is with a transfer on death deed (TOD deed).



## How a TOD Deed Works

In a TOD deed, the current owner designates one or more persons as beneficiary. The beneficiary automatically becomes the owner of the property when the current owner dies. A beneficiary can be an individual or an

organization such as a charity. In some states a TOD deed is referred to as a beneficiary deed, TOD instrument or deed upon death.

### **Related: Using a Survivorship Deed**

As of September 2019, the District of Columbia and the following states allow some form of TOD deed: Alaska, Arizona, Arkansas, California, Colorado, Hawaii, Illinois, Indiana, Kansas, Maine, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin and Wyoming. Ohio has replaced the TOD deed with a TOD affidavit, but the effect is the same. With a trend toward permitting TOD deeds, more states may be added in the future. A few states, such as Michigan, have a similar but technically different document, commonly called a **Lady Bird deed**.

If your property is not located in a state that allows TOD deeds, you may still be able to **avoid probate** by other means, such as **transferring property to a living trust**.

Deeds held by married couples typically state that they own property "as joint tenants with rights of survivorship" or as "tenants by the entireties." If one spouse dies, the surviving spouse automatically becomes sole owner. A married couple may also create a TOD deed. The beneficiary will not acquire the property until the second spouse dies, but the surviving spouse can revoke the TOD deed before then.

A beneficiary should be designated by name, never just by their relationship to you. If you designate two or more beneficiaries, indicate how they will take title — typically either "as joint tenants with rights of survivorship" or "as tenants in common." You may also designate alternative or successor beneficiaries, in case the first beneficiary dies.

## **Advantages of a TOD Deed**

Following are a few benefits of the TOD deed compared with other methods of transferring property upon death:

- **Transfer by will.** Even with a will, the property must go through probate to be transferred to the new owner. A TOD deed avoids probate.
- **Joint ownership.** Having someone on the deed as a joint owner with rights of survivorship will avoid probate. Upon the death of one owner,

title automatically goes to the surviving joint owner or owners. But all joint owners have equal rights in the property. Therefore, selling or mortgaging the property will require the agreement of all joint owners. With a TOD deed, you keep full control of the property.

- **Transfer to a living trust.** While transferring property to a living trust can avoid probate without sacrificing control, setting up a trust requires a more complicated document than a TOD deed. If an attorney prepares the document, creating a living trust will be significantly more expensive than a TOD deed. But for large estates with various types of property, a comprehensive estate plan that includes a living trust may be advantageous.

Other advantages of a TOD deed may include:

- **Maintaining homestead advantages.** Many states offer asset protection and taxation benefits for a person's principal residence. These benefits may be lost with certain types of ownership transfers, but not with a TOD deed.
- **Tax savings.** Designating a beneficiary is not an immediate transfer, so no federal gift tax is owed. The beneficiary acquires ownership on the current owner's date of death. If the beneficiary later sells the property, any capital gain will be based upon the value of the property at the original owner's date of death, not the value when the original owner acquired the property.
- **Maintaining Medicaid eligibility.** If a person applying for Medicaid has made a gift of property within a certain period before applying, that gift may delay the receipt of benefits. Upon a Medicaid recipient's death, the government may seek reimbursement from the recipient's probate estate. A TOD deed is not usually considered a gift of the property, nor is the property part of the probate estate subject to reimbursement.

## Creating a Transfer on Death Deed

As with any real estate deed, the document must comply with state law. All real estate deeds must include certain information, such as the names of the grantor (current owner) and grantee (beneficiary), legal description of the property, signature of the grantor, and legally required witness and notary provisions. Other requirements may include minimum type size and formatting to allow space for recording stamps.

Special language must be used to create a TOD deed, clearly stating the name of the beneficiary, who is usually referred to as the "grantee beneficiary," and that transfer will take place upon the death of the current owner.

Prior to the death of the current owner, the TOD deed must be recorded in the property records of the county where the property is located. This is simply a matter of taking the original TOD deed to the county public records office — usually the county clerk or register of deeds — and paying a small fee. The records clerk will take the deed, stamp it to indicate the date it was received, take whatever other action is necessary to have it officially entered in the county records and return the original to you.

Preparing a TOD deed is not complicated but must be done in compliance with state law. Some states have an approved form, and using it may be the safest way to be sure your compliance.

Ensure your loved ones and property are protected

# Voting Sheets

**Senate Election Law  
& Municipal Affairs Committee  
EXECUTIVE SESSION RECORD  
2022 Session**

Bill SB 243

Hearing date: 1/24/22

Executive Session date: 3/14/22

Motion of: OTP Vote: \_\_\_\_\_

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: 1033s  OLS Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: OTP/A Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DS Consent RB 2nd 5-0

Reported out by: Sen. PK

Notes: Lines 10-12 Need to Refuse to  
have Right to  
? legal claim against Estate

# Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE  
FOR THE CONSENT CALENDAR

Monday, March 14, 2022

THE COMMITTEE ON Election Law and Municipal Affairs

to which was referred **SB 243**

AN ACT

permitting transfer on death deeds for real  
property.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 1102s

Senator Rebecca Perkins Kwoka  
For the Committee

This bill as amended provides a mechanism for the non-probate transfer of real property. It allows owners to execute and record a transfer on death deed, which automatically transfers real property to a beneficiary upon the passing of the grantor. Provision has been made in the bill for disclaiming of the real property by the beneficiary and claims of creditors. For those whose only asset is their property and their issue, this tool offers peace of mind for transfer of a primary home upon death without expensive legal fees.

Tricia Melillo 271-3077



## General Court of New Hampshire - Bill Status System

**Docket of SB243**

Docket Abbreviations

**Bill Title:** permitting transfer on death deeds for real property.*Official Docket of SB243.:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
12/14/2021	S	To Be <b>Introduced</b> 01/05/2022 and Referred to Election Law and Municipal Affairs; <b>SJ 1</b>
1/18/2022	S	<b>Hearing:</b> 01/24/2022, Room 100, SH, 01:00 pm; <b>SC 4</b>
3/15/2022	S	Committee Report: Ought to Pass with Amendment <b>#2022-1102s</b> , 03/24/2022; Vote 5-0; CC; <b>SC 12</b>
3/24/2022	S	Committee Amendment <b>#2022-1102s</b> , AA, VV; 03/24/2022; <b>SJ 6</b>
3/24/2022	S	<b>Ought to Pass with Amendment</b> 2022-1102s, MA, VV; OT3rdg; 03/24/2022; <b>SJ 6</b>
3/28/2022	H	Introduced 03/28/2022 and referred to Judiciary
4/13/2022	H	Public Hearing: 04/13/2022 10:30 am SH Reps Hall
4/1/2022	H	Executive Session: 04/14/2022 09:00 am LOB 206-208
4/22/2022	H	Committee Report: Refer for Interim Study (Vote 21-0; CC)
5/4/2022	H	Refer for Interim Study: MA VV 05/04/2022 <b>HJ 11</b>

NH House

NH Senate

# Other Referrals

**Senate Inventory Checklist for Archives**

Bill Number: SB 243 Senate Committee: ELMA

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

**Bill Hearing Documents: (Legislative Aides)**

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

**Committee Action Documents: (Legislative Aides)**

All amendments considered in committee (including those not adopted):

- amendment # 1033s - amendment # \_\_\_\_\_

- amendment # 1102s - amendment # \_\_\_\_\_

Executive Session Sheet

Committee Report

**Floor Action Documents: (Clerk's Office)**

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # \_\_\_\_\_ - amendment # \_\_\_\_\_

- amendment # \_\_\_\_\_ - amendment # \_\_\_\_\_

**Post Floor Action: (if applicable) (Clerk's Office)**

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

Enrolled Bill Amendment(s)

Governor's Veto Message

**All available versions of the bill: (Clerk's Office)**

as amended by the senate  
final version

as amended by the house

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Tricia Merullo  
Committee Aide

6/14/22  
Date

Senate Clerk's Office **TW**